

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROBERT DERUYSCHER

Plaintiff,

v.

Case Number 06-15260-BC
Honorable Thomas L. Ludington

MICHIGAN DEPARTMENT OF
CORRECTIONS HEALTH CARE,

Defendant.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING COMPLAINT WITHOUT PREJUDICE**

This matter is before the Court on a report issued by Magistrate Judge Charles E. Binder on April 25, 2007 recommending that the plaintiff's complaint be *sua sponte* dismissed for failure to exhaust administrative remedies following this Court directive to take into consideration a recent Supreme Court decision, *Jones v. Bock*, ___ U.S. ___, 127 S. Ct. 910 (2007). Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt #14] is **ADOPTED**, and the complaint is **DISMISSED WITHOUT PREJUDICE**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: May 17, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on May 17, 2007.

s/Tracy A. Jacobs
TRACY A. JACOBS